

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
November 20, 2018
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: November 6, 2018
5. Resolution Approving Holidays
6. Approval of MML Travel
7. XO Communication Services, LLC Franchise Agreement
8. Resolution for Sgt. Misha Kimbell Retirement and Firearm
9. First Amendment to Live Nation Agreement
10. Resolution for Grinder Pump Stations
11. Resolution for Vehicle for Hire
12. Sole Source – Susteen Software - SPD
13. Resolution to Clean Private Property
14. Planning Agenda: Item #1 Application for subdivision approval of Lot 16 of Silo Square Subdivision on the west side of Getwell Road, north of future Nail Road
Item #2 Application for design review approval of a mixed-use building to be located on Lot 16 of Silo Square Commercial Subdivision on the west side of Getwell Road, north of future Nail Road
Item #3 Application for a Conditional Use Permit for Diamond Productions, a full service spa to be located at 1306 Goodman Road
Item #4 Application for a Conditional Use Permit for Frazier Boys Barber Shop to be located 1565 Main Street
Item #5 Application for a Conditional Use Permit for a beauty salon to be located at 1130 Stateline Road, Suite C
15. Mayor's Report
16. Citizen's Agenda
17. Personnel Docket
18. City Attorney's Legal Update
19. Utility Bill Adjustment Docket
20. Claims Docket
21. Executive Session: Claims/Litigation against SPD; Economic Development (Industry/Business Locating to City)

Any citizen wishing to comment on the above items may do so.
Items may be added to or omitted from this agenda as needed.

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MINUTES OF THE REGULAR MEETING OF November 20, 2018 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the 20th day of November, 2018 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher (By Teleconference)	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5

Absent were:

Raymond Flores	Alderman, Ward 6
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Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty (20) other people were present.

Mayor Musselwhite called the meeting to order. Mayor Musselwhite led in prayer followed by the Pledge of Allegiance led by George Payne. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of November 6, 2018 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

RESOLUTION APPROVING HOLIDAYS

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this resolution will approve the holidays allowed by statute (Thanksgiving, Christmas, and New Year's Day). To be consistent with the Governor's Proclamation on October 16, the resolution will allow holidays the day after Thanksgiving, Christmas Eve, and New Year's Eve. After hearing from Mr. Manley the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DECLARING MUNICIPAL HOLIDAYS

WHEREAS, Thanksgiving Day is a statutory holiday in the State of Mississippi, pursuant to the provisions of Section 3-3-7 of the Mississippi Code (1972), and

WHEREAS, the Governor has signed a Proclamation authorizing the closing of all offices in the State of Mississippi, in the discretion of the respective agency

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heads, on Thursday, November 22, 2018 as well as Friday, November 23, 2018, in observance of Thanksgiving Day, and

WHEREAS, Christmas Day is a legal holiday in the State of Mississippi, pursuant to the provisions of Section 3-3-7 of the Mississippi Code (1972), and

WHEREAS, the Governor has signed a Proclamation authorizing the closing of all offices in the State of Mississippi, in the discretion of the respective agency heads, on Monday, December 24, 2018 as well as Tuesday, December 25, 2018, in further observance of the Christmas Holiday, and

WHEREAS, New Year's Day is a statutory holiday in the State of Mississippi, pursuant to the provisions of Section 3-3-7 of the Mississippi Code (1972), and

WHEREAS, the Governor has signed a Proclamation authorizing the closing of all offices in the State of Mississippi, in the discretion of the respective agency heads, on Monday, December 31, 2018 as well as Tuesday, January 1, 2019, in observance of the New Year's Holiday, and

WHEREAS, the Mayor and Board of Aldermen have considered the Proclamation and have determined that it is in the best interest of the City of Southaven's employees and their families that all municipal offices be closed on Thursday and Friday, November 22 and 23, 2018 in observance of Thanksgiving, on Monday and Tuesday, December 24 and 25, 2018 in observance of the Christmas Holiday, on Monday, December 31, 2018 and Tuesday, January 1, 2019 in observance of the New Year's Holiday, and

WHEREAS, emergency and police services shall work as scheduled by the Mayor and respective department heads on these dates, and

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. City offices in the City of Southaven be, and the same are hereby closed on November 22 and 23, 2018 in observance of Thanksgiving Day.
2. City offices in the City of Southaven be, and the same are hereby closed on December 24 and 25, 2018 in observance of the Christmas Holiday.

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3. City offices in the City of Southaven be, and the same are hereby closed on December 31, 2018 and January 1, 2019 in observance of the New Year's Holiday.
4. Emergency and police services shall be scheduled and shall work per the direction of the Mayor and respective department heads.

Motion was made by Alderman Brooks and seconded by Alderman Payne, for the Resolution, and the question being put to a vote:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

RESOLVED AND DONE, this 20th day of November, 2018.

A copy of the contract is attached to these minutes.

APPROVAL OF MML TRAVEL

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that authorization is needed for travel and registration fees for the Mayor and Board for the MML Mid-Winter Conference in Jackson in January. Alderman Payne made the motion to approve travel and registration fees for the Mayor and Board of Alderman. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

XO COMMUNICATIONS SERVICES, LLC FRANCHISE AGREEMENT

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this franchise ordinance was introduced at the previous board meeting to be put on file with the clerk's office for review. The franchise ordinance allows XO to use the City right of ways for installation of underground fiber optic cable to provide telecommunications services, video services, and/or other services. As compensation, XO will pay the City an initial fee of \$2,500.00 and \$.10 per linear foot of public ways utilized by XO to place its facilities underground or on third-party utility poles. The franchise granted under the agreement is for an initial term of ten (10) years. At the end of the initial term, this agreement shall automatically renew for up to three (3) successive five (5) year terms unless either party gives the other party advance written notice of its intent to terminate or renegotiate this agreement at least one (1) year prior to the end of the initial term or any applicable renewal term. Alderman Payne made the motion to pass the ordinance and authorize Mayor Musselwhite to sign the

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franchise agreement with XO Communications Services, LLC. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

A copy of the agreement is attached to these minutes.

RESOLUTION FOR SERGEANT MISHA KIMBELL RETIREMENT AND FIREARM

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this resolution notes that Sgt. Kimbell is retiring under the PERS system and authorizes the purchase of her firearm for \$1 in accordance with Miss. Code 45-9-131. After hearing from Mr. Manley the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI PRESENTING SGT. MISHA KIMBELL HER SERVICE WEAPON IN RECOGNITION OF HER RETIREMENT

WHEREAS, the City of Southaven Police Department hereby desires to honor Sgt. Misha Kimbell by presenting her service firearm, a Glock Gen 4 model 43, 9mm pistol, serial number ABSX710 (Weapon"), and

WHEREAS, Misha Kimbell is retiring under a state retirement system, and

WHEREAS, in accordance with Mississippi Code Section 45-9-131, it has been recommended to the Mayor and Board of Aldermen that this Weapon be sold to Sgt. Misha Kimbell for one dollar in recognition of her retirement and service to the City of Southaven, and

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WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Sgt. Misha Kimbell.

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The Weapon be provided to Sgt. Misha Kimbell consistent with this Resolution.
2. The Mayor and Chief of Police are hereby authorized to take all actions to effectuate the intent of this Resolution.

Motion was made by Alderman Brooks and seconded by Alderman Wheeler, for the Resolution, and the question being put to a vote:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

RESOLVED AND DONE, this 20th day of November, 2018.

A copy of the letter from Chief Pirtle requesting for Sgt. Kimbell to retain weapon upon retirement is attached to these minutes.

FIRST AMENDMENT TO LIVE NATION AGREEMENT

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that the original agreement with Live Nation excluded Springfest as one of the dates that Live Nation could produce a concert entertainment event. This amendment will authorize Live Nation to produce a concert entertainment event on Saturday, April 27, 2019 during Springfest. As consideration for the April 27, 2019 concert, Live Nation will guarantee the City \$35,000.00 if ticketed attendance is below 5,000; \$50,000 if ticketed attendance is between 5,000 and 5,999; and \$60,000 if ticketed attendance is 6,000 or over. In addition, Live Nation will assist the City with the Friday April 26, 2019 Springfest concert. Alderman Brooks made the motion to approve the amended agreement with Live Nation. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES

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Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

A copy of the amendment agreement is attached to these minutes.

RESOLUTION FOR GRINDER PUMP STATIONS

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this resolution will authorize grinder pump stations to be installed at certain residences so that those residents have city sewer. The resolution also authorizes for the procurement of easements for the grinder pump stations. The funding for these installations was included in the utilities budget. After hearing from Mr. Manley the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN GOVERNING AUTHORITIES AUTHORIZING THE INSTALLATION OF GRINDER PUMPS FOR SEWER SERVICE

WHEREAS, pursuant to Mississippi Code Section 21-27-23 of the Mississippi Code, the City of Southaven ("City") is authorized to create and maintain a sewage disposal system by extending main lines within the corporate limits so that individual residents and businesses may connect service lines onto the main lines; and

WHEREAS, the City Governing Authorities desire to provide sewer services to City residents for the health and welfare of the City residents; and

WHEREAS, it is the determination of the City's Governing Authorities that it is necessary to utilize grinder pumps for certain residents in order to extend municipal sewer service to those residences; and

NOW, THEREFORE, BE IT RESOLVED by the City Mayor and Board of Aldermen of as follows, to wit:

1. The City Governing Authorities hereby authorize the City Utility Department and City Engineers to install grinder pumps for the residences set forth in Exhibit A; and

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2. The City Utility Department and City Engineers are authorized to procure casements needed to install the grinder pumps.

Following the reading of the foregoing resolution, Alderman Payne made the motion to adopt the Resolution and Alderman Kelly seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

RESOLVED AND DONE, this 20th day of November, 2018.

EXHIBIT A

2889 Hunter Rd S
6509 Malone Rd

RESOLUTION FOR VEHICLE FOR HIRE

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that pursuant to Miss. Code Section 21-27-131, Amber Bell made application to the City for a vehicle for hire. Ms. Bell will use the vehicle for non-emergency transporting of individuals to the doctor. Ms. Bell has provided a letter to the City from National MedTrans noting that Bell complies with the regulations for the Centers for Medicare & Medicaid Services. In addition, upon approval, Ms. Bell will provide the required certificate of insurance to the City Clerk and will also register the vehicle with the City Clerk. After hearing from Mr. Manley the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN FOR AMBER JOY BELL FOR VEHICLE FOR HIRE

WHEREAS, pursuant to Mississippi Code Section 21-27-131, application was made to the City of Southaven ("City") by Amber Joy Bell ("Bell") for a permit to operate a motor vehicle for hire; and

WHEREAS, the City has reviewed the application of Bell; and

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WHEREAS, Bell has provided a letter to the City from National MedTrans noting that Bell complies with the regulations for the Centers for Medicare & Medicaid Services (CMS); and

NOW THEREFORE, be it resolved as follows:

1. The City hereby grants to Bell a permit to operate a motor vehicle, specifically a 2006 Chevy Impala, VIN Number 2G1WT58K469347617, for hire contingent upon Bell providing the required certificate of insurance to the City Clerk as set forth in Mississippi Code Section 21-27-133.

2. Pursuant to Mississippi Code 21-27-139, Bell shall register the vehicles with the City Clerk in the name of the owner, with the number of motor, and number of license tag for that year. The clerk shall keep said registration in a book kept for that purpose and give a number to such vehicle, which the owner shall cause to be painted or stenciled on two sides of the said vehicle.

3. The City's approval for Bell is strictly limited to the rights and privileges as set forth in the Licensing of Operators of Motor Vehicles for Hire as set forth in Miss. Code 21-21-131, *et. seq.* Furthermore, Bell shall comply with all relevant and legal state and federal related healthcare laws and regulations.

4. The Mayor, City Clerk or their designee are authorized to execute any and all documents required in order to effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Payne made the motion and Alderman Hoots seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

RESOLVED AND DONE, this 20th day of November, 2018.

A copy of the letter from National MedTrans and certificate of liability insurance is attached to these minutes.

SOLE SOURCE – SUSTEEN SOFTWARE – SPD

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this item is a Sole Source purchase pursuant to Mississippi Code 31-7-13(m)(viii) by the Police Department for electronic surveillance in the amount of \$9,985.00. Alderman Brooks made the motion to approve the sole source purchase. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the Sole Source letter and quote is attached to these minutes.

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RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none. The Board then considered the following resolution to clean private property:

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit:

Parcel 2081120400000202

Parcel 2081120400000201

to the effect that the said parcel of land has been neglected whereby the grass height is in violation and there exist other unsafe conditions and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, November 6, 2018, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, November 20, 2018, to voice objection or to offer a defense.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the above described parcel of land located at:

Parcel 2081120400000202

Parcel 2081120400000201

is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that the City of Southaven shall, if the owners of the above described parcel of land do not do so

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themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting weeds and grass and removing rubbish and other debris.

Following the reading of this Resolution, it was introduced by Alderman Brooks and seconded by Alderman Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	ABSENT

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 20th day of November, 2018.

PLANNING AGENDA

Planning Agenda presented by Whitney Cook, Director of Planning & Development.

Item #1 Application for subdivision approval of Lot 1 of Silo Square
Subdivision on the west side of Getwell Road, north of future Nail
Road

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Silo Square Commercial Lot 16 on the west side of Getwell Road, north of future May Blvd. This particular lot is on the interior of the site behind the front outparcels along Getwell Road. The lot encompasses 0.9 acres with a portion of the rear access drive of the front outparcels shown in the lot. Although there are no identified ingress/egress easement shown on the plat, the submittal does show two access drives into the site off of the rear drive. A right of way for May Blvd. is shown as 90' on this lot which spans both directional flows of traffic and a boulevard median in the center. The applicant is also showing a portion of the proposed May Boulevard sidewalk in the lot as well. In looking at the overall plan, sidewalks are normally incorporated into ROW and that is shown on lot 3 to the east of this property. Staff would suggest shifting south lot line to the north so that the sidewalk area stays within the ROW boundaries. In doing this, it may require a revision to the setbacks on the site plan but since this area is incorporated into a PUD district and the design for this area is a "main street" theme, it would be acceptable to reduce the front setback of the building to let it sit closer to the street. With these changes, staff recommends approval. Alderman Wheeler made the motion to approve the application with the noted changes. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

A copy of the staff report is attached and fully incorporated into these minutes.

Item #2 Application for design review approval of a mixed-use building to be located on Lot 16 of Silo Square Commercial Subdivision on the west side of Getwell Road, north of future Nail Road

Mrs. Choat-Cook stated that this application is for the mixed use building that is proposed to go on Lot 16 in the Silo Square Subdivision. Mrs. Choat-Cook stated that the elevation submitted is the exact kind of design they had planned for in Silo Square with an Old Towne design. Mrs. Choat-Cook stated that the developer is designing boulevard down May Boulevard to match the city with decorative lighting. There were some minimal changes and questions about landscaping that was addressed by the Planning Commission and it was voted in favor of unanimously by the Planning Commission.

Brian Hill, Silo Square Developer, approached the Board requesting a variance to build up the road on May Boulevard to help prevent road failures at his expense. Mr. Hill expressed that it is his opinion that by spending the money up front not only on a better base, but on the final lift sooner than when you normally would and get the water into the curb and gutter to keep it from going into the soil cement layer, then our roads will be better over time.

The Board expressed concerns about accepting the road prior to an 80% build out in the development and putting the City at risk. After much discussion between Mayor Musselwhite, the Board of Alderman, Brian Hill, Whitney Choat-Cook, Dan Cordell and Nick Manley in regards to allowing Mr. Hill to do the final lift prior to the 80% build out, Alderman Wheeler made the motion to approve the design review application with the understanding that Mr. Hill's request regarding the final lift will be brought back before the Board at the next meeting. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
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Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

A copy of the staff report is attached and fully incorporated into these minutes.

Item #3 Application for a Conditional Use Permit for Diamond Productions, a full service spa to be located at 1306 Goodman Road

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a full service spa establishment at 1306 Goodman Road in an existing multi-tenant commercial building on the north side of Goodman Road east of Swinnea Road. Per the application there will be skin care, hair care and nail care offered at the site all with certified and licensed cosmetologist. The technicians will be licensed through the state of MS boards. All of the required documentation and hearing notices have been submitted to staff. Per the ordinance, full service spa establishments must be no closer than ½ mile from an existing establishment. Staff did a window survey to determine the distance compliance. There is not an existing facility within the one (1) mile radius of this site. The applicant has met the requirements for the conditional use; therefore, staff recommends approval of a one (1) year permit with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI
GRANTING CONDITIONAL USE PERMIT GRANTED TO
LATRICE TURNER FOR A FULL SERVICE SPA LOCATED
AT 1306 GOODMAN ROAD, SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on September 24, 2018 for the conditional use permit ("permit") application of Latrice Turner (the "Applicant") for a full service spa located at 1306 Goodman Road, Southaven, Mississippi; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

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WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City staff report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation, a one (1) year permit, and the permit may be renewed for four (4), one year extensions at the discretion of the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for a full service spa at 1306 Goodman Road, Southaven, Mississippi for one (1) year with up to four (4), one year extensions to be renewed annually at the discretion of the City Board of Aldermen.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Brooks and seconded by Wheeler. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20th day of November, 2018.

A copy of the staff report and conditional use application is attached and fully incorporated into these minutes.

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Item #4 Application for a Conditional Use Permit for Frazier Boys Barber Shop to be located 1565 Main Street

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a barber shop at 1565 Main Street which is an existing multi-tenant building located on the south side of Main Street, west of Whitworth Drive. Per the application this establishment will be for barber shop only with no additional amenities which would reclassify it into the full service spa designation. Per the ordinance, barber shop establishments must be no closer than ½ mile from an existing establishment. Staff did a window survey to determine the distance compliance. There is not an existing facility within the one (1) mile radius of this site. The applicant has met the requirements for the conditional use; therefore, staff recommends approval of a one (1) year permit with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI
GRANTING CONDITIONAL USE PERMIT GRANTED TO
TIMOTHY FRAIZER FOR A BARBER SHOP AT 1565 MAIN
STREET, SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on October 29, 2018 for the conditional use permit ("permit") application of Timothy Frazier (the "Applicant") for a barber shop located at 1565 Main Street, Southaven, Mississippi; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City staff report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation, a one (1) year permit, and the permit may be renewed for four (4), one year extensions at the discretion of the City Board of

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Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for a barber shop at 1565 Main Street, Southaven, Mississippi for one (1) year with up to four (4), one year extensions to be renewed annually at the discretion of the City Board of Aldermen.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Kelly and seconded by Hoots. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20th day of November, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report and conditional use application is attached and fully incorporated into these minutes.

Item #5 Application for a Conditional Use Permit for a beauty salon to be located at 1130 Stateline Road, Suite C

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a beauty salon at 1130 Stateline Road which is an existing multi-tenant building located on the north side of Stateline Road, east of Swinnea Road in the Rowsey Commercial Subdivision. Per the application this establishment will be for hair only with no additional amenities which would reclassify it into the full service spa designation. Per the ordinance, beauty salon establishments must be no closer than ½ mile from an existing establishment. Staff did a window survey to determine the distance compliance. There is not an existing facility within the one (1) mile radius of this site. The applicant has met the requirements for the conditional use; therefore, staff recommends approval of a one (1) year permit

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with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board of Aldermen considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT GRANTED TO MARIA DE LOURDES MAGANA FOR A BEAUTY SALON AT 1130 STATELINE ROAD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on October 29, 2018 for the conditional use permit ("permit") application of Maria De Lourdes Magana (the "Applicant") for a beauty salon located at 1130 Stateline Road, Southaven, Mississippi; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City staff report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation, a one (1) year permit, and the permit may be renewed for four (4), one year extensions at the discretion of the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for a beauty salon at 1130 Stateline Road, Southaven, Mississippi for one (1) year with up to four (4), one year extensions to be renewed annually at the discretion of the City Board of Aldermen.

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2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Kelly and seconded by Hoots. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20th day of November, 2018.

A copy of the staff report and conditional use application is attached and fully incorporated into these minutes.

MAYOR'S REPORT

Acceptance of Bank Bid – Bancorp South

Chris Wilson presented this item to the Board.

Mr. Wilson stated that the City received the following four (4) bids for the City Depository Bid:

Bank	Proposal
Bancorp South	Fed Funds Target less 15 basis points or a fixed rate of 2.59%
Bank Plus	Fed Funds Target less 15 basis points
Renasant Bank	1.51% fixed rate on all deposit accounts
First Tennessee	2.45% fixed rate on all deposit accounts

Mr. Wilson explained that this is the bi-annual bid for the municipal depository and State law gives guidance on what is to be considered and interest rates are the primary consideration, but other factors can be considered by the Board. Mr. Wilson stated that it is his recommendation to accept the Bancorp South bid based on the flat rate of 2.59% for two (2) years. Alderman Payne made the motion to accept the Bancorp South bid and allow any and all documents to be signed by Mayor Darren Musselwhite, Chris Wilson, Andrea Mullen, and any other authorized signers required by BancorpSouth for the transfer and provide any information needed. Motion was seconded by Alderman Hoots.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

Small Business Saturday

Mayor Musselwhite proclaimed Saturday, November 24, 2018 in the City of Southaven as Small Business Saturday to show support of small businesses in the City.

Sales & Tourism Tax Update

Mayor Musselwhite announced that the sales and tourism tax continue to have a steady upward trend. The sales tax revenue was \$100,000 higher in the month of November than projected and shows as a great sign to the City.

Indoor Greenbrook Softball Facility Update

Mayor Musselwhite stated that they had some issues to work through on the Greenbrook Indoor Softball Facility that is a part of the Parks Enhancement Program. Mayor Musselwhite stated that they had set the location at the corner of Stowood and the parking lot. The engineers took a soil sample from that location and realized that it was not safe. They learned that in the early 1950's or before that the area was some type of water source. Mayor Musselwhite stated that they shifted that facility facing south, located at the main entrance of the park. Mayor Musselwhite stated that there will be no changes to the facility itself, only shifting the location.

Employee Appreciation – Happy Thanksgiving

Mayor Musselwhite expressed his appreciation to the Board of Alderman, City Employees and Department Heads for all that they do and wished everyone a Happy Thanksgiving. Mayor Musselwhite expressed to the Citizens of Southaven his appreciation for allowing him to do the job.

CITIZEN'S AGENDA

Toinek Beckworth

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Mrs. Beckworth spoke regarding damage done to her mailbox by a Southaven Police Officer and requested reimbursement for the replacement of the mailbox. Mr. Manley explained that the claim was being reviewed by the Board during Executive Session and stated that she could wait until after executive session to see if her claim was approved. Mrs. Beckworth stated that she would wait.

PERSONNEL DOCKET

Personnel Docket

November 20, 2018

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
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*pending 1 pre-emp
screening
** pending 2 pre-emp
screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
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Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
		<i>Not hired, appeared on</i>		
Octavius Arnold	Parks	<i>11/6/18 docket</i>	11/07/2018	\$11.50
Colin Hall	Police	Patrol Officer 3	11/17/2018	\$22.06
Susan Waldrop	Planning Building	Bldg Permit Clerk	11/09/2018	\$16.00
James Willis	Parks	Parks Supervisor	11/08/2018	\$16.06

Alderman Gallagher made the motion to approve the Personnel Docket of November 20, 2018 as presented to this Board. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN

Alderman Brooks
Alderman Kelly
Alderman Hoots
Alderman Payne
Alderman Gallagher
Alderman Wheeler
Alderman Flores

VOTED

YES
YES
YES
YES
YES
YES
ABSENT

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

CITY ATTORNEY'S LEGAL UPDATE

Waste Connections Contract & Amendment – West Precinct

Mr. Manley stated that this is a 36 month contract and amendment with Waste Connections for the West Precinct garbage removal. Mr. Manley noted that the contract is not required to be bid because the amount is less than \$50,000 for a garbage contract. Mr. Manley stated that the Board needs to approve a contract and an amendment because there were terms that the City could not agree to. Those terms could not be removed from their standard contract so they did an amendment to the contract to provide service to the West SPD precinct for garbage removal. Alderman Payne made the motion to authorize Bradley Wallace to sign the contract and the amendment to the contract. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL ADJUSTMENT DOCKET 11/20/2018		
<u>The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received</u>		
ADDRESS	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
7438 ROUNDTABLE DR	(\$98.80)	LEAKING FAUCET IN BATH TUB
8193 CEDARBROOK	(\$53.68)	2 TOILETS - REPLACED ONE/REPAIRED OTHER
2721 PINNACLE DR	(\$600.24)	TOILET - FIRST REPAIR FAILED/GOT NEW TOILET
3065 PINETREE LOOP S.	(\$463.60)	LEAK UNDER DRIVEWAY
3540 BONNER DR	(\$34.16)	TOILET REPLACED ALL INSIDE PARTS

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1395 VICKSBURG DRIVE	(\$34.16)	TOILET LEAKING
1760 WINDY LANE	(\$175.93)	LEAK ON SERVICE LINE
8370 CEDARBRUSH DRIVE	(\$19.52)	LEAKING FAUCET IN BACK OF HOUSE
7952 SARAH ANN DR	(\$79.71)	REPLACED TOILET
8689 BONFIRE DRIVE	(\$610.00)	UNAWARE OF LEAK ON OUTSIDE FAUCET
442 HILLBROOK	(\$92.72)	TOILET LEAKING
8141 MARY PAYTON DRIVE	(\$527.04)	TOILET LEAKING
1150 HALEVILLE DRIVE	(\$214.72)	TOILET LEAKING
3529 NEW POINTE DRIVE	(\$39.04)	LEAK ON SERVICE LINE
2224 BAIRD COVE	(\$122.00)	TOILET LEAKING
7725 CHERRY VALLEY	(\$122.00)	TOILET LEAKING
	\$3,287.32	

After noting that the individuals did not receive the utility services due to leaks or other unforeseen circumstances, a motion was made by Alderman Brooks to approve the Utility Bill Adjustment Docket of November 20, 2018 in the amount of \$3,287.32. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of November, 2018.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of November 20, 2018 in the amount of \$975,662.28. Motion was seconded by Alderman Brooks.

Excluding voucher numbers:

311544, 311555, 311564, 311734, 311735, 311777, 311816, 311823, 311837, 311839, 311894, 312003, 312061, 312063, 312114, 312115, 312121, 312179

Roll call was as follows:

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ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20th day of November, 2018.

SPECIAL CLAIMS DOCKET

Alderman Payne made the motion to approve the Special Claims Docket of November 20, 2018 in the amount of \$370.00. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20th day of November, 2018.

EXECUTIVE SESSION

A copy of the Executive Session Minutes are maintained in the City Clerk's Office.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously November 20, 2018 at 7:47 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)